

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

Claims 1-42. (Canceled)

Claim 43 (Currently amended) An isolated DNA comprising the cry1Bf coding sequence present in the E. coli strain deposited at the BCCM-LMBP under accession number LMBP 3986, ~~or comprising an artificial DNA sequence having a different codon usage compared to said coding sequence, but encoding the same protein~~ an isolated DNA encoding SEQ ID NO:2 having a codon usage different from the codon usage in SEQ ID NO:1.

Claim 44 (Currently amended) The DNA of claim ~~[[1]]~~ 43, wherein the DNA comprises the nucleotide sequence of SEQ ID NO: 1.

Claim 45 (Currently amended) A chimeric gene comprising the DNA of claim ~~[[1]]~~ 43, wherein the DNA is operably linked to a plant-expressible promoter.

Claim 46 (Previously presented) A plant cell transformed with the chimeric gene of claim 45.

Claim 47 (Previously presented) A plant or seed comprising the chimeric gene of claim 45 integrated in its cells.

Claim 48 (Previously presented) The plant or seed according to claim 47, wherein the chimeric gene is integrated in the nuclear or chloroplast DNA of the cells of the plant or seed.

Claim 49 (Currently amended) The plant or seed of claim 47, wherein the plant is selected from the group consisting of corn, cotton, rice, oilseed rape, Brassica, eggplant, soybean, potato, sunflower, tomato, sugarcane, tea, bean, tobacco, strawberry, clover, cucumber, watermelon, pepper, oat, barley, wheat, dahlia, gladiolus, chrysanthemum, sugarbeet, sorghum, alfalfa, and peanut.

Claim 50 (Currently amended) A micro-organism transformed with the DNA of claim ~~[[1]]~~ 43.

Claim 51 (Previously presented) The microorganism of claim 50, wherein the microorganism is a member of a genus selected from the group consisting of *Agrobacterium*, *Escherichia*, and *Bacillus*.

Claim 52 (Currently amended) A process for killing insects, wherein the process comprises ~~comprising~~ introducing the DNA of claim ~~[[1]]~~ 43 into a host cell, and contacting insects with said host cells so that said insects are killed.

Claim 53 (Currently amended) A process for obtaining a plant with resistance to insects, wherein the process comprises ~~comprising~~ transforming plant cells with the DNA of claim ~~[[1]]~~ 43, and regenerating a transformed plant ~~plants~~ which is ~~are~~ resistant to insects.

Claim 54 (Currently amended) A process for obtaining plants with resistance to insects, wherein the process comprises transforming plant cells with the DNA of claim ~~[[1]]~~ 43, and regenerating transformed plants which are resistant to insects.

Claim 55 (Currently amended) The process of claim 54 further comprising obtaining seeds from said plants which are resistant to insects, wherein said seeds contain said DNA.

Claim 56 (Currently amended) A process for obtaining a plant with resistance to insects, wherein the process comprises ~~comprising~~ transforming plant cells with the chimeric gene of claim 45, and regenerating ~~a transformed plant~~ plants which ~~is~~ are resistant to insects.

Claim 57 (Currently amended) The process of claim 56 further comprising obtaining seed from said plant which is resistant to insects wherein said seed contains said chimeric gene.

Claim 58 (Previously presented) An isolated DNA encoding a protein with a molecular weight of about 60 to about 80 kD, comprising the amino acid sequence of SEQ ID NO:2 from amino acid position 1 to amino acid position 640.

Claim 59 (Currently amended) The DNA of claim 58, wherein the DNA comprises an artificial DNA sequence having a different codon usage compared to the naturally occurring DNA sequence but encoding ~~the same protein or its insecticidal fragment~~ a protein with a molecular weight of about 60 to about 80 kD, comprising the amino acid sequence of SEQ ID NO:2 from amino acid position 1 to amino acid position 640.

Claim 60 (Previously presented) A chimeric gene comprising the DNA of claim 58, wherein the DNA is operably linked to a plant-expressible promoter.

Claim 61 (Previously presented) A plant cell transformed with the chimeric gene of claim 60.

Claim 62 (Previously presented) A plant or seed comprising the chimeric gene of claim 60 integrated in its cells.

Claim 63 (Currently amended) A plant or seed comprising the chimeric gene of claim 60 integrated in the nuclear or chloroplast DNA of its ~~their~~ cells.

Claim 64 (Previously presented) The plant or seed of claim 62, wherein the plant or seed is selected from the group consisting of corn, cotton, rice, oilseed rape, Brassica, eggplant, soybean, potato, sunflower, tomato, sugarcane, tea, bean, tobacco, strawberry, clover, cucumber, watermelon, pepper, oat, barley, wheat, dahlia, gladiolus, chrysanthemum, sugarbeet, sorghum, alfalfa, and peanut.

Claim 65 (Previously presented) A micro-organism transformed with the DNA of claim 58.

Claim 66 (Currently amended) The microorganism ~~bacterium~~ of claim 65, wherein the microorganism ~~bacterium~~ is a member of a genus selected from *Agrobacterium*, *Escherichia*, or *Bacillus*.

Claim 67 (Currently amended) A process for controlling insects, wherein the process comprises introducing the DNA of claim 58 into a host cell, and contacting insects with said host cell so that said insects are controlled.

Claim 68 (Currently amended) A process for obtaining plants with resistance to insects, wherein the process comprises transforming plant cells with the DNA of claim 58, and regenerating transformed plants from said plant cells, wherein said transformed cells are resistant to insects so that said plants are resistant to insects.

Claim 69 (Currently amended) The process of claim 68 further comprising obtaining seeds from said transformed plants which are resistant to insects, wherein said seeds contain said DNA.

Claim 70 (Previously presented) A process for obtaining plants with resistance to insects, wherein the process comprises transforming plant cells with the chimeric gene of claim 60, and regenerating transformed plants from said plant cells, wherein said transformed plants are resistant to insects.

Claim 71 (Currently amended) The process of claim 70 further comprising obtaining seed from said transformed plants which are resistant to insects, wherein said seed contains said chimeric gene.

Claim 72 (Currently amended) A method for protecting a plant from *Sesamia nonagriodes*, wherein the method comprises transforming a plant with a DNA encoding an insecticidally

active fragment of the protein of SEQ ID NO: 2, and growing the plant in a field, wherein the plant produces an insecticidal amount of the protein so that said plant is protected from *Sesamia nonagriodes*.

Claim 73 (Currently amended) A process for controlling *Sesamia nonagriodes*, comprising expressing a DNA encoding an insecticidally active fragment of the protein of SEQ ID NO: 2 in cells of a plant so that *Sesamia nonagriodes* is controlled.